

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATHAN GILLIS,

Petitioner,

v.

GREG GRAMS, Warden,
Columbia Correctional Institution,

Respondent.

ORDER

08-cv-117-bbc

Petitioner Nathan Gillis has filed objections to the report and recommendation entered by the United States Magistrate Judge on June 12, 2008, in which the magistrate judge recommended dismissal of petitioner's petition for a writ of habeas corpus brought under 28 U.S.C. § 2254. After reviewing the report and recommendation and petitioner's objections, I conclude that the magistrate judge's recommendation is correct and I will adopt it.

As the magistrate judge explained, under § 2254, a federal court cannot grant a petition for a writ of habeas corpus on behalf of a person in state custody unless the petitioner can show that the state court's adjudication of his claims resulted in a decision

that was based on an unreasonable determination of the facts or that was contrary to or involved an unreasonable application of clearly established federal law. The Wisconsin Court of Appeals was the highest state court to consider petitioner's challenge to his sentence. As to the issues on which petitioner was allowed to go forward in this court, the state court found that petitioner had failed to show either that the trial court had applied a penalty enhancer against him or that he had been denied an adequate opportunity to review discovery material before his sentencing. Nothing in the court's decision was contrary to law or an unreasonable determination of the facts.

In his objections, petitioner reasserts "the reasons submitted in [his] habeas corpus petition before this court." Those reasons have been addressed by the magistrate judge and do not require any further discussion. In addition, petitioner reasserts a contention on which he was not allowed to proceed in this court, which is that the state broke a plea agreement after 13 years. I have denied this contention on three previous occasions in orders entered on March 14, 2008, April 7, 2008 and May 5, 2008. No further discussion is necessary.

ORDER

IT IS ORDERED that petitioner Nathan Gillis's petition for a writ of habeas corpus

under 28 U.S.C. § 2254 is DENIED.

Entered this 20th day of June, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge